

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NATIVIDAD PEREZ-HERRERA,	:	Hon. Joseph H. Rodriguez
Plaintiff,	:	Civil Action No. 13-2630
v.	:	MEMORANDUM OPINION & ORDER
KRA CORP. & ANITA DAVIS,	:	
Defendants.	:	

This matter having come before the Court on Defendants' unopposed November 27, 2013 Motion pursuant to Federal Rules of Civil Procedure 41(b) and 37(b)(2)(v) for dismissal of Plaintiff's Complaint for failure to prosecute, participate in discovery, and comply with the Court's Orders [Docket No. 20]; and

It appearing that by Order dated September 17, 2013, in connection with a September 11, 2013 motion by Plaintiff's counsel to withdraw as Plaintiff's attorney, [Docket No. 12], the Court directed Plaintiff Natividad Perez-Herrera to appear at the Court's October 10, 2013 hearing on the motion, [Docket No. 13, 15]; and

It further appearing that the Honorable Ann Marie Donio, United States Magistrate Judge, has noted on that, despite the September 17, 2013 Order, Plaintiff failed to appear at the October 10, 2013 hearing, [Docket No. 17]; and

It therefore appearing that Plaintiff's counsel was permitted to withdraw, as set forth on the record on October 10, 2013, "in light of, among other reasons, Plaintiff's failure to communicate with [her attorney], and Plaintiff's failure to participate in this action," [Docket No. 17, p. 2]; and

It further appearing that the Court ordered “that, by November 12, 2013, Plaintiff Natividad Perez-Herrera shall enter an appearance pro se, or shall obtain new counsel and have such counsel enter an appearance in this action by November 12, 2013,” [Docket No. 17, p. 2], and “that, by November 26, 2013, Plaintiff Natividad Perez-Herrera shall provide responses to Defendants’ interrogatories and document requests dated June 24, 2013,” [Docket No. 17, p. 3]; and

It further appearing that the Court ordered, “THE FAILURE OF PLAINTIFF NATIVIDAD PEREZ-HERRERA TO COMPLY WITH THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING, WITHOUT LIMITATION, THE DISMISSAL OF PLAINTIFF’S COMPLAINT,” [Docket No. 17, p. 3]; and

The Court finding that Plaintiff has not made any effort to comply with the Orders of this Court, and has failed to take any steps to prosecute her case,

IT IS ORDERED this 16th day of January, 2014 that Defendants’ November 27, 2013 Motion pursuant to Federal Rules of Civil Procedure 41(b) and 37(b)(2)(v) for dismissal of Plaintiff’s Complaint for failure to prosecute, participate in discovery, and comply with the Court’s Orders [Docket No. 20] is hereby GRANTED.

/s/ Joseph H. Rodriguez
JOSEPH H. RODRIGUEZ
United States District Judge